

OFFICIAL COPY

Fresno, California

April 27, 2004

The City Council met in regular session at the hour of 8:36 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager  
Andy Souza, Assistant City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Bruce Bruton of the Northeast Assembly gave the invocation, and Councilmember Sterling led the Pledge of Allegiance to the Flag.

PROCLAMATION OF AMERICAN CANCER SOCIETY RELAY FOR LIFE DAY

PROCLAMATION OF OLDER AMERICANS MONTH - COUNCILMEMBER STERLING

The above proclamations were read and presented.

PRESENTATION OF PRIDE TEAM CERTIFICATES

Certificates of Appreciation were presented to Kathy Calvert, Mayor/Council/City Manager/City Clerk Offices; Phillip Hardcastle and Henry Fierro, Finance Department; Jonathan Chew and Von Dosta Fuller, Fire Department; Liz Baumgartner, Ray Vasquez and George McCormick, Fresno Area Express; Calvin Douglas and Don Winton, General Services Department; Camellia Brown and Craig Agabashian, Information Services Department; Rudy Valdez and Denise Buckley, Parks, Recreation & Community Services Department; Robert Rodriguez, Personnel Services Department; Douglas Godbehere and Sylvia Martinez, Planning & Development Department; Courtney Espinoza, John Jensen, Brenda Liston and Barbara Hall, Police Department; Francisco Guevara, Bob Martinez, Frank Rascon, Fabiola Lopez and Rod Barnett, Department of Public Utilities; and Tom Malmquist, Wayne Garvis, Leslie Parker and Anthony Fagone, Public Works Department. A reception to honor the employees was held immediately following the presentation.

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**RECESS - 9:23 A.M. - 9:33 A.M.**

**APPROVE MINUTES:**

On motion of Councilmember Dages, seconded by President Castillo, duly carried, RESOLVED, the minutes of April 20, 2004, approved as submitted.

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**COUNCILMEMBER REPORTS AND COMMENTS:**

REQUEST FOR TRAY MEMO ON INCIDENT THAT HAPPENED ON EARTH DAY AT ROEDING PARK RELATIVE TO SOME TYPE OF PROTEST AGAINST THE ZOO FOR PERSONAL/POLITICAL REASONS AND INTIMIDATING ZOO EMPLOYEES - COUNCILMEMBER DUNCAN

Request made.

COMMENDATION TO PHILLIP WEATHERS AND HIS STAFF FOR CLEAN UP EFFORTS AND BEING PROACTIVE IN DISTRICT ONE - COUNCILMEMBER BOYAJIAN

**(2 - 0)** Commendation made.

PRIOR COMMITMENT/NEED TO LEAVE EARLY - COUNCILMEMBER DAGES

Councilmember Dages advised he would have to leave the Council meeting around 3:30 p.m. to give a presentation at the Fresno Fair Board meeting.

COMMENDATION TO ALL INVOLVED IN ROEDING PARK'S 101<sup>ST</sup> ANNIVERSARY, EARTH DAY EVENT ON SUNDAY, FIRE AND POLICE FOR PARTICIPATION IN NEIGHBORHOOD WATCH EVENT AT TED C. WILLS CENTER, AND LOWELL ELEMENTARY SCHOOL FOR HEALTH FAIR EVENT - COUNCILMEMBER STERLING

Commendations made.

DRINKING FOUNTAINS AT WOODWARD PARK EATON TRAIL AND REQUEST TO PARKS STAFF TO CONTINUOUSLY CHECK TO KEEP OPERABLE - PRESIDENT CASTILLO

Request made.

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#### **APPROVE AGENDA:**

**(3:00 P.M. "B")** MEETING OF THE REDEVELOPMENT AGENCY - CONSIDER MATTERS RELATING TO AN EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND FRESNO HISTORIC CHINATOWN, LLC FOR THE STUDY AREA (CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA) AND TAKE THE FOLLOWING ACTIONS:

1. APPROVE A TWELVE (12) MONTH EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND FRESNO HISTORIC CHINATOWN LLC FOR THE STUDY AREA
2. AUTHORIZE STAFF TO INITIATE CEQA REVIEW, AND
3. AUTHORIZE AND DIRECT STAFF TO INITIATE ANY PLAN AMENDMENTS FOR CHINATOWN REDEVELOPMENT PLAN AND PREPARE ANY OTHER NECESSARY DOCUMENTS

Councilmember/Chair Boyajian removed the item from the agenda at the request of Agency staff and upon question advised the developer made the request as the matter was not ready to be heard.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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#### **ADOPT CONSENT CALENDAR:**

Barbra Hunt, 2475 S. Walnut, spoke to Item 1-A questioning if it was related to the downtown lake; in opposition to Item 1-B; questioned why a Fresno company was not retained in Item 1-C; and expressed contamination concerns with Item 1-F.

**(1-B) RESOLUTION NO. 2004-144** - AUTHORIZING THE INTERIM PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO FILE AN APPLICATION WITH THE STATE OF CALIFORNIA, DEPARTMENT OF FORESTRY AND FIRE PROTECTION, FOR GRANT FUNDING IN THE AMOUNT OF \$23,509 TO BE USED TO PLANT 237 MISSING STREET TREES IN SIDEWALK PARKWAYS AT FOUR LOCATIONS

**(1-C)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT FOR \$334,737, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO CLOVIS WELL DRILLING OF FRESNO FOR WATER WELL PUMPING EQUIPMENT TO PROVIDE FOR THE IMMEDIATE AND FUTURE REHABILITATION OF WATER RECLAMATION WELLS TO IMPROVE WELL EFFICIENCY

**(1-D)** AWARD A CONTRACT TO NEC SOLUTIONS (AMERICA), INC., OF RANCHO CORDOVA, CA, IN THE AMOUNT OF \$315,465.21 FOR THE PURCHASE AND INSTALLATION OF MOBILE DATA TERMINALS (MDT) IN ALL FRESNO FIRE DEPARTMENT EMERGENCY RESPONSE VEHICLES, AND AUTHORIZE LEASE PAYMENTS NOT TO EXCEED \$130,000 ANNUALLY FOR THREE YEARS

**(1-E) RESOLUTION NO. 2004-145** - AUTHORIZING THE SUBMITTAL OF A FUNDING REQUEST TO THE DEPARTMENT OF CONSERVATION (DOC) AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR OR DESIGNEE TO EXECUTE AGREEMENTS AND CONTRACTS TO IMPLEMENT THE GRANT WHICH WOULD ALLOW THE CITY TO CONTINUE TO PROVIDE BEVERAGE CONTAINER COLLECTION AND EDUCATION PROGRAMS

**(1-F)** APPROVE AN AGREEMENT WITH JOE SOUZA FARMS AND SANDRA TAVARES FOR CLOSURE OF AGRICULTURAL WELLS AND ACQUISITION OF GROUNDWATER MONITORING WELL EASEMENTS ON PROPERTIES ADJACENT TO THE CLOSED SANITARY LANDFILL SITE AT JENSEN AND WEST AVENUES, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO SIGN THE AGREEMENT, SUBJECT TO CITY ATTORNEY APPROVAL, AS TO COST ON BEHALF OF THE CITY AND MAKE PAYMENT AS PROVIDED IN THE AGREEMENT

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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**(2-A) RESOLUTION NO. 2004-146** - ADOPTING THE “NO NEIGHBORHOOD LEFT BEHIND INFRASTRUCTURE PLAN” AND STRATEGY TO FUND THE PLAN

Mayor Autry reviewed the issue as contained in the staff report as submitted and spoke in strong support stating the city’s poorer neighborhoods had been left behind for thirty years and they could not continue to be left behind; spoke to the need to invest in the neighborhoods stating it made moral and fiscal sense and would also address crime issues and explained; stated approval of the plan would send a message to neighborhoods that they mattered and were just as important as others; and urged Council’s support stating the past could not be changed but the future could. Acting President Perea added this was an opportunity to reverse decades of neglect, spoke to the urgent need for infrastructure so children could walk to school on sidewalks and be safe, and stressed this was a issue of leadership and a chance to change the face of Fresno.

Speaking in support of issue were: Jack Douglas, 1817 E. Saginaw; Barbara Hunt, 2475 S. Walnut; Hilda Zarate, E. Turner Avenue; and Gloria Torrez who stated she had a concern with the debt issue and also stated she hoped lights would be installed at bus stops.

Chief Dyer spoke in support of the issue from a law enforcement perspective stating darkness was a breeding ground for criminal activity and streetlights would help address that problem, and stated sidewalks were needed as children walked through alleys due to lack of sidewalks which was very dangerous. Controller/Finance Director Quinto gave an overview of the financing aspect.

Councilmember Calhoun spoke to the issue at length and expressed his concerns with the bond debt issue due to all the financial uncertainties facing the city and elaborated **(3 - 0)**; stated Council should only vote on the plan; and made a motion to modify the resolution to adopt the infrastructure plan, direct staff to bring back at least two financing options and timelines for financing the plan following the May 12<sup>th</sup> city manager report and after the State’s budget is known, which motion was seconded by Councilmember Duncan and later acted upon.

Councilmember Duncan complimented the Mayor on the proposal acknowledging it was an issue the city did need to address; stated his concern was with the financing aspect and had nothing to do with the need; and presented questions and comments at length relative to general fund money being the funding source, the bonds being issued over a 4-5 year period and the entire \$45 million not necessarily being bonded at this time, why this issue was not included in the new Measure "C" proposal, the city's huge contributions to the retirement system in 2007, concern with a \$45 million bond with no revenues to pay it back, and need to delay action to look at other options and see what the impacts of the State and the retirement contributions will have on the general fund, with Mayor Autry and Ms. Quinto responding throughout.

Councilmember Sterling complimented Acting President Perea and the Mayor on the plan stating this issue was of historic importance; noted her district had the biggest need and spoke in support of the plan at length and why it would succeed; and stressed Council needed to put the dollars where their mouth was and urged Council to look at the whole picture and at the quality of life that is so desperately needed in her district.

Acting President Perea stated this was a quality of life issue and not a district or a north and south issue; spoke to how inner-city neighborhoods' needs were greater and questioned how many times this issue was going to be studied and at what point Council was going to do something; and emphasized there was an opportunity here to take a historic step forward and urged Council to reject the motion on the floor stating the people of the inner-city deserved no less.

Councilmember Boyajian stated he has been the advocate for neighborhoods and improvements because he knows what it does; stated he has also been a huge advocate of linkage and impact fees and increased UGM fees and expressed his concern and frustration that Council has never and will never tell developers to pay their way and help the city; stated something equal needed to be done, it tore his heart to give up his district funds and have other districts get most of the help, and requested his district not be left behind; and presented questions relative to what will happen in the last 14 years after "getting the biggest bang" the first 6 years after bonding, if there will still be city services or if funds would just go to pay the bond, **(4 - 0)**, and if approval of the bond would tie the hands of future councils and if there was any contingency plan, with Ms. Quinto and Assistant City Manager Ruiz responding/clarifying issues.

Councilmember Dages presented questions relative to the concrete ramp issue and if the plan to finance was still in place, if the concrete ramps were also included in this plan, if Council infrastructure budgets would drop to \$50,000, and if the \$50,000 could be placed in Council's operating budgets instead of infrastructure budgets to eliminate separate accounting, with Ms. Quinto and City Attorney Montoy responding.

Councilmember Calhoun clarified the portion of his motion relative to the State's budget. City Manager Hobbs clarified the context of his May 12<sup>th</sup> report would be an assessment of the pros and cons of some of the new tax measures currently under consideration by various parties in the community and added it would not be an end-all/be-all financial report on the city's entire fiscal condition.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to adopt the above resolution as amended to approve the infrastructure plan and direct staff to bring back at least two financing options and timelines for financing the plan following the May 12<sup>th</sup> city manager report and after the Governor submits the proposed State budget failed, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Boyajian, Dages, Perea, Sterling, Castillo
Absent	:	None

A motion and second was made to approve staff's recommendation. President Castillo stated by taking this vote the message to the community was Council considers everybody to be equal and added that was what this issue was about.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-146 hereby adopted, by the following vote:

Ayes	:	Boyajian, Dages, Perea, Sterling, Castillo
Noes	:	Calhoun, Duncan
Absent	:	None

**(10:00 A.M.)** HEARING ON REZONE APPLICATION NO. R-03-14, AND ENVIRONMENTAL FINDINGS, FILED BY SUN RIDGE DEVELOPERS, PROPERTY LOCATED ON THE WEST SIDE OF S. CLOVIS AVENUE BETWEEN E. CHURCH AND E. JENSEN AVENUES IN COUNCIL DISTRICT 5

**1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-03-14/T-5171**

**2. BILL NO. B-42 - ORDINANCE NO. 2004-43 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE PROPERTY FROM AE-5/UGM AND AE-20 TO R-1/UGM**

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Braun reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking in support of the issue were: Gary Giannetta, project engineer, on behalf of the applicant; and Barbara Hunt, 2475 S. Walnut.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. R-03-14/T-5171 dated March 5, 2004, hereby approved, and the above entitled Bill No. B-42 adopted as Ordinance No. 2004-43, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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**(10:15 A.M.)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-03-11, REZONE APPLICATION NO. R-03-57, AND ENVIRONMENTAL FINDINGS FILED BY JOHN ALLEN, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. FIGARDEN DRIVE AND N. BRAWLEY AVENUE IN COUNCIL DISTRICT 2

**1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-03-11/R-03-57/C-04-25/T-5278**

**2. RESOLUTION NO. 2004-147 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE BULLARD COMMUNITY PLAN**

**3. BILL NO. B-43 - ORDINANCE NO. 2004-44 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE PROPERTY FROM AE-5/UGM TO R-1/UGM**

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking in support of the issue were: Applicant John Allen, and Barbara Hunt, 2475 S. Walnut. Acting President Perea briefly left the meeting at 11:32 a.m.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Calhoun noted this had been a lengthy process, spoke to the land set aside by the developer to be purchased by the city for a park and to how everyone recognizes the value of the park and need to move forward, and made a motion to approve staff's recommendation. Councilmember Boyajian stated although this was a great project he could not support it due to the need for the developer to pay his share of impact fees for the Herndon and Shaw off-ramps.

On motion of Councilmember Calhoun, seconded by Councilmember Dages duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-03-11/R-03-57/C-04-025/T-5278 dated February 24, 2004, hereby approved, the above entitled Resolution No. 2004-147 adopted, and the above entitled Bill No. B-43 rezoning the subject site adopted as Ordinance No. 2004-44, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Sterling, Castillo
Noes	:	None

Absent : Perea

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143-140

4/27/04

(2:00 P.M. #2) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY

(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR DAN FITZPATRICK - COUNCILMEMBER DAGES

Laid over one week at the direction of Councilmember Dages.

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(10:45 A.M.) PRESENTATION OF THE ZOO COMMITTEE REPORT AND RECOMMENDATIONS

1. COUNCIL DISCUSSION AND DIRECTION REGARDING OPTIONS OF THE CHAFFEE ZOOLOGICAL GARDENS

President Castillo thanked the committee members for the tremendous amount of time and effort spent on the issue, stated the committee's work was not done for the City Council but for the entire community, and stated a great product was delivered and again thanked the committee on behalf of the Council and the community.

Sherry Rainwater, Zoo Committee Chairwoman, thanked staff, zoo volunteers and Zoo Society employees for all their assistance and support stating they were all very helpful in the process, and gave an overview of the committee's report and plan of action/recommendations including a ballot measure for a one-tenth-of-a-cent sales tax to rebuild the zoo and turning the zoo over to a nonprofit corporation (NEW501c3) and elaborated, all as contained in the report as submitted.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who stated the city of Fresno needed to take complete control of the zoo; Mike Woods, President, Zoo Society Board of Directors, who stated the zoo was headed towards becoming a petting zoo if drastic changes are not made; Rea Rich, representing Zoolynks docents, support for the committees' recommendations (5 - 0); Jerry Blum, support for committee recommendations/opposed to moving the zoo to another location; Rodney Austin, Chair, Fresno County Libertarian Party, support for privatization of the zoo/opposed to a tax; Ben Rash, city employee/zoo docent, support for committee recommendations; and Gerald Lyles, committee member, who spoke to the aquarium suggestion stating it would not save the zoo and explained.

Upon call, no one else wished to be heard and President Castillo closed public testimony. President Castillo noted it was after 12:00 noon and questioned if Council wanted to break for lunch or continue. Brief discussion ensued and the following action was taken.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Council to continue with the item to its conclusion, by the following vote:

Ayes :	Boyajian, Dages, Duncan, Perea, Sterling, Castillo
Noes :	Calhoun
Absent :	None

Councilmember Calhoun thanked the committee, stated he was surprised to see that committee members' names were not included and memorialized in the report and requested that be rectified for the archives, and noted Mr. Richter submitted a very lengthy, well thought-out proposal and questioned if his proposal for a successful zoo by privatization and increased revenues from various scenarios would work by itself or if some of his concepts could be integrated into the committee's proposal, with Mr. Richter responding. Councilmember Calhoun continued and presented questions and comments relative to whether the county contribution of \$1.2 million had been discussed with Fresno County, if approval of the recommendations was with the proviso that the county would contribute \$1.2 million, the county needing to come to the table if they want to be part of the effort, when the county would respond to the contribution request, and it being inappropriate for Council to take action on the report and recommendations until staff weighs in on it. Councilmember Calhoun made a motion to refer the report and recommendations to staff and direct staff to report back, which motion died for lack of a second.

Councilmember Dages read the committee members' names into the record and thanked some of the members who assisted him through the process, and stated everyone wanted the zoo to succeed and made a motion to approve the committee's report and direct staff to begin implementation of the recommendations, including the county-wide ballot measure, which motion was seconded and later modified and acted upon.

Councilmember Sterling presented questions relative to whether the city or county would place the county-wide initiative on the ballot, if the county would administer the funds if the measure were to succeed, what the city's role would be in the ballot measure, if the city as a whole could advocate on behalf of the measure, and if staff could be directed to pursue the measure this date, with City Attorney Montoy and Assistant City Manager Souza responding. Councilmember Sterling presented questions to her committee appointee, Mr. Lyles, and commented on issues relative to a grant that was available to help the zoo, deadline to apply for the grant funds, the willingness of Mr. David Cowen to work on the grant application, need for an official Council resolution authorizing the filing of the application and to be included with the application, and if adoption of such a resolution could occur this date, with Mr. Lyles, Mr. Cowen and Ms. Montoy responding throughout. Relative to the need for a Council resolution, Ms. Montoy advised one alternative was to schedule a special meeting in order to meet the May 3<sup>rd</sup> deadline to apply for the funds, whereupon President Castillo called for a special meeting on Friday, April 30<sup>th</sup>, at 10:00 a.m. Councilmember Sterling stated she hoped the committee would continue to work with the city on the project, spoke briefly to Roeding Park's 101<sup>st</sup> anniversary celebration with the Roeding Family that occurred the past weekend, and stated it would not be right to even think about moving the park and thanked the committee for not making that part of their recommendations.

Councilmember Duncan thanked the committee for all their outstanding work and the timely report and questioned how quickly the 501c3 could be established, with Ms. Montoy stating the creation was not a difficult task and could be done in 60 to 90 days. Upon the city attorney's recommendation, Councilmember Duncan requested the motion-maker modify the motion to add the first order of business shall be the creation of the NEW501c3, which addition was accepted by the motion-maker. Councilmember Duncan stated he was honored to support the committee's report and recommendations, **(6 - 0)** stated hopefully the voters of Fresno County will see that the zoo is a valuable asset that needs to be here and the measure will pass, and added if it doesn't the city would not give up and let the zoo fail but would continue working on the issue as the zoo was too important an asset for the community.

Councilmember Boyajian acknowledged and thanked past zoo director Dr. Waterhouse, his staff and the Board; advised Dr. Waterhouse and the Board talked about a lot of these same issues and problems for years and were very frustrated with what was going on; thanked his committee appointee, Mr. Valentino, for his input; thanked the rest of the committee members and the zoo volunteers for all their work and efforts; presented questions relative to the grant writer (with staff responding); and thanked Mr. Cowen and Tom Lang for stepping up to assist and provide input.

Acting President Perea also thanked his appointee, Coke Hallowell, the rest of the members, and city and zoo staff, and stated this had been a very progressive morning in the city of Fresno and explained, and added Council was behind the committee 100%.

Councilmember Calhoun spoke to the process, stated the motion to direct staff to implement recommendations left a lot of latitude as Fresno County could say they do not want to contribute any money which would raise issues including their membership on the 501c3 board, and stated he wanted staff to report back at sometime in the process and keep Council in the loop, with Mr. Souza and Ms. Montoy responding and stating any action would come back for final approval and/or refinements along with reports covering issues.

Ms. Rainwater, Mr. Woods, Controller/Finance Director Quinto, Mr. Souza and Ms. Montoy clarified issues and/or responded to questions of President Castillo and Councilmembers Boyajian and Calhoun at length relative to the city's \$1.2 million commitment regardless of whether the ballot initiative passes and if that same commitment had been received from the county, need for every penny to go to the zoo if the tax passes, if the county will pay for the ballot measure, if there was overwhelming county support only if the tax passes, if the \$2.6 million county commitment over five years had been discussed with them, what dollar value was anticipated with the one-tenth-of-a-cent tax, if 501c3 board members' pay and benefits would be comparable to that of city employees, the survey that was conducted and if polls showed there was a better chance for passing the ballot initiative in the county, why the committee was recommending a county-wide tax, if the last tax measure was county-wide, Fresno County's county-wide parks amendment/assessments district plan and the zoo possibly being included, concern with the two competing issues, if the county issue would be considered as this process moves along, request to city staff to keep communication open on the county issue and the tax initiative, and the initiative and its promotional campaign including if council can give direction and provide funding. Upon question, Ms. Montoy stated Friday's special meeting was separate from the motion.

On motion of Councilmember Dages, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Zoo Committee's report hereby approved, and staff directed to begin implementation of the recommendations, including the county-wide ballot measure, with the first order of business to be creation of the 501©) 3, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo

Noes : None  
Absent : None

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143-142

4/27/04

**LUNCH RECESS - 1:14 P.M. - 2:35 P.M.**

**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:**

**(1-A) RESOLUTION - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA PARKS AND RECREATION DEPARTMENT UNDER THE LAND AND WATER CONSERVATION FUND FOR IMPROVEMENTS TO THE FULTON MALL**

Councilmember Calhoun questioned why this was being done so late in the fiscal year, how the \$50,000 match funds were discovered, and how this project fit into priorities. Assistant City Manager Souza noted parks staff was not presently available, advised there was a deadline to submit the application, and requested the matter be held over for staff's presence.

By Council consensus the matter was held over to later in the meeting.

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**(2:30 P.M.) COUNCIL DISCUSSION REGARDING FRESNO/CLOVIS SCHOOLS FOR THE 21<sup>ST</sup> CENTURY PROPOSAL - COUNCILMEMBER CALHOUN**

Councilmember Calhoun advised he was proposing Council co-sponsor a "Critical Issues in Education Summit" as outlined in his report as submitted and elaborated on the issue, and clarified this was only a suggestion for discussion and encouraged Council to weigh-in on what role, if any, they wanted to play in terms of improving education the greater Fresno area.

Speaking to the issue were: Ms. Barr, who spoke to a K-16 three-day meeting/summit planned in the fall and stated concerns expressed were valid and encouraged the city's involvement; Barbara Hunt, 2475 S. Walnut; support; and John Madrid, Mayor's Education Office, support/desire to participate in the summit.

Assistant City Manager Souza advised the preparation of the Meeting the Challenge of Education Report was happening currently within the Office of Education and staff anticipated the report would be submitted to Council in two weeks and added it would give more of a focus on issues, and added workforce readiness was a critical issue and stated anything that could be done collectively would be critical to moving the city forward. Councilmember Sterling stated this was a great idea **(7 - 0)** and concurred everyone needed to work together to be successful, advised of programs and activities going on in her district, and offered her assistance and commitment to help where needed.

Councilmember Calhoun added his frustration was it seemed like everything was focused on Fresno Unified and clarified the issue was much larger than one school district; spoke to need to work together as a team and stated part of the glue was local government assisting that process; and added he is not kept informed on what the office of education and the school districts are doing and it was not good that he has to find out information on his own. There was no further discussion.

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**(2:45 P.M.) APPROVE PROPOSED AMENDMENT TO THE 2003-2004 ANNUAL ACTION PLAN REALLOCATING \$750,000 OF HOME INVESTMENT PARTNERSHIP ACT FUNDS TO THE HOME BUYER ASSISTANCE PROGRAM**

Planning & Development Director Yovino reviewed the issue as contained in the staff report as submitted, clarified this would be a reuse of program monies and not new money, and spoke to the need for the funds and recommended approval.

A motion and second was made to approve staff's recommendation.

Speaking in support of the issue were: Erin Tobler, 4669 E. Alamos; Patricia Zubia, 3269 E. Olive; Esperanza Velasco, Fresno Housing Authority; Tad Tadich, Clovis 1<sup>st</sup> Real Estate, 164 Clovis Avenue; Denise Munoz, 4307 E. Butler; Noupah Boutvyseth, 3628 E.



Gettysburg; Woody Miller, 160 S. Willow #105; Edgar Gomez, A-1 Brokers, 2725 Palo Alto, Clovis; Gloria Avila, 326 N. Orchard #201; Esenia Gonzalez, 2644 E. Cambridge; David Ledesma, 3244 E. Pine; Nathan Masig, Executive Director, CURE, 2424 Sample, Clovis; Ken Neufeld, 259 W. San Jose, Past-President Fresno Association of Realtors/CURE Board Member; Barbara Hunt, 2475 S. Walnut; an unidentified woman who spoke with a translator; Matt Hawkins, 3294 E. Dakota #205; Albert Barreno, 6525 N. Vista; Liz Wynn, Self-Help Enterprises, 8445 E. Elowin Ct.; Mayra Borjorquez, 646 E. Brown; Sylvia Castro-Baiz, Loan Officer, 5464 E. Geary; and Mark Russell, 3837 N. Glenn.

143-143

4/27/04

Councilmember Calhoun noted a large part of the program's money was put into rehab last year which he voted against, stated money now needed to be put back into the program which was fine as the resources were there as well as the demand, and stated the system was working, staff's report indicated the additional \$750,000 was anticipated to be expended prior to June 30<sup>th</sup>, and asked that the motion be amended to increase the amount to \$1 million.

Councilmember Duncan advised there was never any intention of stopping the program, and presented questions/commented on the funds, amount of HOME funds the city receives annually, if the home buyer assistance program would be impacted if Council were to allocate HOME funds to the Hotel Fresno housing project that is floating around, if staff anticipated this program growing in the future, request that staff in the future get better at bringing these issues to Council's attention earlier so people are not put through this stress, **(8 - 0)** and if there would be any issues with the people whose escrows will close within the next several days, with Mr. Yovino responding throughout. Councilmember Duncan thanked all who came and welcomed them to the American dream. Councilmember Boyajian spoke to the housing task force and policies that were made for housing and this program, stated the task force was frustrated and he was very critical of the management of this program, and stressed there was never any intent to close out the program, expressed his concern that people had to come here and plead, and apologized to Council and the people stating an hour did not have to be spent on the issue and further elaborated. Acting President Perea stated this was a no-brainer and these kinds of programs made him proud to be a council member, and thanked those in attendance and staff and stated he agreed with Councilmember Calhoun on increasing the funds. Upon the request of Councilmember Dages, President Castillo translated for the Spanish-speaking woman Councilmember Dages' statement that her dream of owning a home would not be taken away. Councilmember Calhoun noted he spoke with the city attorney and was advised the stated dollar amount could be reduced but not increased and stated he would bring an issue forth on the consent calendar to increase the funds by another \$250,000. Councilmember Sterling stated she agreed with Councilmember Boyajian's concern relative to the way the issue was presented, spoke to action taken earlier on the \$45 million bond and how her district would be improved, and apologized to the speakers who felt they had to come and beg Council to approve the funds. President Castillo stated he, too, was critical of the way the issue was brought forth and reiterated it was never Council's intent to cut the program or under-fund it.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, an amendment to the FY 2003-2004 Annual Action Plan reallocating \$750,000 of HOME Investment Partnerships Act funds to the Home Buyer Assistance Program hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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Councilmember Dages left at 3:56 p.m. to attend to another commitment and was absent for the remainder of the meeting.

### **(3:00 P.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

The City Council recessed at 3:56 p.m. and convened in regular session as the Redevelopment Agency.

### **APPROVE AGENCY MINUTES**

On motion of Vice Chair Sterling, seconded by Member Duncan, duly carried, RESOLVED, the Agency minutes of April 13, 2004, approved as submitted.

**(A) CONSIDER MATTERS RELATING TO AN EXCLUSIVE NEGOTIATION AGREEMENT (ENA) BETWEEN THE REDEVELOPMENT AGENCY AND FOREST CITY DEVELOPMENT CALIFORNIA, INC., FOR THE STUDY AREA (CONVENTION**

CENTER, CHINATOWN EXPANDED, AND CENTRAL BUSINESS DISTRICT REDEVELOPMENT PROJECT AREAS) AND TAKE THE FOLLOWING ACTIONS:

1. APPROVE A TWELVE (12) MONTH EXCLUSIVE NEGOTIATION AGREEMENT
2. AUTHORIZE AND DIRECT STAFF TO INITIATE CEQA REVIEW, AND
3. AUTHORIZE AND DIRECT STAFF TO INITIATE ANY REDEVELOPMENT PLAN AMENDMENTS FOR AFFECTED REDEVELOPMENT PROJECT AREAS AND PREPARE ANY OTHER NECESSARY RELATED DOCUMENTS

143-144

4/27/04

Redevelopment Administrator Murphey gave an overview of the issue and ENA; advised subsequent refinements to the ENA had been drafted along with a summary of the changes and submitted copies, on file in the office of the city clerk; advised the Housing and Community Development Commission (HCDC) heard the item yesterday and recommended a change to the recital of the ENA and noted that had also been submitted to the Agency board along with their recommendation, a copy of which is on file in the office of the city clerk; and recommended approval of the actions as outlined above and advised Mr. Friedman, the project developer, was present to address the agency.

Andres Freidman, Forest City, stated he was very excited to move forward and get the project going.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; and Kathy Omachi, Chinatown Revitalization, 1433 Kern Street, who spoke to the Chinatown project, eminent domain, and asked that everyone work together as partners, and relative to the Vagabond pool stated Chinatown would be very happy to have an internationally known skate pool.

Member Castillo stated he was disappointed with receiving late material, he was uncomfortable voting on anything he received information on up at the dais, and stated the item was premature and made a motion to table the matter two weeks, which motion died for lack of a second.

Director Fitzpatrick and Ms. Murphey responded to questions/comments of Member Calhoun relative to the map of the project area and difference between the Phase I area and the entire area, if the area near the freeway was going to be concentrated on, need to first concentrate on the stadium/Fulton Mall area and not the highway area, if this project could exist separate from the Chinatown project, if any action this date would impact the Chinatown project, and the issue of eminent domain and making it clear that him being as accommodating as possible did not mean starting up the bulldozer.

On behalf of the Mayor Assistant City Manager Souza expressed the city's appreciation to Agency staff on this project which he stated was huge and well supported, and requested efforts be coordinated through the development department and economic development.

Vice Chair Sterling thanked the developer, stated this would be a wonderful project which would bring a number of employment opportunities, stated the Chinatown project would not be neglected, concurred with Member Calhoun on the importance of the Fulton Mall area, and made a motion to approve staff's recommendation, which motion was seconded by Member Duncan. Upon question of Chair Boyajian, Mr. Friedman stated Forest City was cognizant of the entire downtown, the Fulton Mall, and surrounding entities; advised the Fulton Mall was the magnet that attracted them to Fresno; and spoke to how their project would enhance the downtown entities like the mall, the Convention Center, the stadium and the cultural center.

On motion of Vice Chair Sterling, seconded by Member Duncan, duly carried, RESOLVED, a twelve (12) month Exclusive Negotiation Agreement (ENA) with Forest City Development California, Inc. (Forest City) for master planning and development of the South Stadium Project Area hereby approved; staff authorized to initiate an Environmental Impact Study under the California Environmental Quality Act (CEQA) including traffic studies, an historical survey, and plan amendments for affected Redevelopment Project Areas and prepare any other necessary related documents; and the Executive Director authorized to negotiate minor modifications to the ENA as may be necessary to finalize and carry out the intents and purposes of the Agency Board with approval as to form from the office of the City Attorney, by the following vote:

Ayes	:	Calhoun, Duncan, Perea, Sterling, Boyajian
Noes	:	Castillo
Absent	:	Dages

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The Redevelopment Agency adjourned their meeting at 4:22 p.m. and the City Council reconvened in regular session.

**RECESS - 4:22 P.M. - 4:30 P.M.**

**(2-C) CONSIDERATION AND APPROVAL OF AN AGREEMENT FOR STORYLAND AND PLAYLAND LIABILITY COVERAGE**

Councilmember Duncan spoke briefly to the background of the issue and thanked Council for their attention and interest in the issue and staff for their work, and advised a complication arose and recognized Mr. Holton to explain.

Doug Holton, 6462 N. Briarwood, Playland/Storyland Board of Trustees, thanked staff for their work on the agreement and advised after speaking with several agents (who spoke with several carriers) and with risk management it was found the Board could not pick up the excess coverage and explained.

**143-145**

**4/27/04**

Councilmember Duncan summarized there were issues relative to getting the excess coverage and it would take more time to try to find an answer, advised staff's recommendation that was discussed last week (Option 1) that the city issue funds to cover the premium was at this time the only viable option short of closing the facilities, made a motion to direct staff to return in one week with the necessary resolution appropriating funds to cover the insurance premium for Playland/Storyland for one year, and stated work would continue on the second option to see if any progress could be made and requested support.

Barbara Hunt, 2475 S. Walnut, spoke in support of the motion **(9 - 0)**.

Assistant City Manager Souza advised the Mayor was supportive of the measure as a stop gap but he was also asking staff to obtain a business plan for the upcoming year as he had concerns about the ongoing financial viability of Storyland/Playland.

Councilmember Calhoun concurred with Mr. Souza and relative to the motion stated he was not hearing a specific amount, a "no more than", or what Rotary's contribution would be to this, and stated the motion was open-ended and questioned what direction staff was getting from the motion. Mr. Souza responded and clarified staff would return in one week with a resolution appropriating last week's figure of \$70,000 and if more was needed staff would again return with another resolution appropriating additional funds and further clarified approval of the funds was a Council policy decision. Councilmember Boyajian stated the Board was going to allocate \$30,000 which was the amount they paid last year and stated he supported paying the difference. President Castillo questioned if incorporating Playland/Storyland as part of the zoo's 501c3 so all three facilities could be under one umbrella could be looked at and if the Board would consider that, with City Attorney Montoy and Mr. Holton responding. President Castillo requested Mr. Holton ask the Board that question at their meeting on Thursday and inform Council of their response next week when the resolution is presented.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to return in one week with a resolution appropriating necessary funds to cover the insurance premium for Playland/Storyland for one year, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	Dages

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**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR - CONTINUED FROM EARLIER:**

**(1-A) RESOLUTION NO. 2004-148 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA PARKS AND RECREATION DEPARTMENT UNDER THE LAND AND WATER CONSERVATION FUND FOR IMPROVEMENTS TO THE FULTON MALL (REPLACE TWO EXISTING CHILDREN'S PLAY STRUCTURES)**

Councilmember Calhoun stated the item came out of the blue and asked the same questions he asked earlier, with Parks & Recreation Management Analyst Milavich responding and clarifying issues. Councilmember Calhoun suggested staff include all pertinent information in the staff report in the future.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled

Resolution No. 2004-148 authorizing submittal of the grant application for \$100,000 to the California Department of Parks and Recreation for funding under the LWCF Program to replace two (2) existing children's play structures on the Fulton Mall hereby adopted, and the Parks, Recreation and Community Services Director, or designee, authorized to execute and submit all documents, including but not limited to applications, agreements, amendments, and payment requests which might be necessary for the completion of this project, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : Dages

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**143-146**

**4/27/04**

**(2-B) APPROVE A HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT BETWEEN THE CITY OF FRESNO AND SELF-HELP ENTERPRISES FOR \$1.2 MILLION FOR A 41-UNIT SINGLE-FAMILY RESIDENTIAL HOUSING PROJECT AT THE NORTHWEST CORNER OF E. JENSEN AND S. WILLOW AVENUES**

Planner Sigala reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in support.

On motion of Councilmember Duncan, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Home Investment Partnership (HOME) Community Housing Development Organization (CHDO) program agreement hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : Dages

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**(3-A) RESOLUTION - IN SUPPORT OF CALIFORNIA'S LAW TO REDUCE GLOBAL WARMING POLLUTION - ACTING PRESIDENT PEREA**

Acting President Perea stated his report as submitted was self-explanatory, advised he was requested by the American Lung Association to bring this issue forward and he and the association were asking for not only support of the legislation but also support for implementing the strongest regulations by CARB, and made a motion to adopt the resolution.

Speaking to the issue were: Josette Merced Bello, who spoke in support; Gloria Torrez who spoke to the need to change the fuel to clean air diesel; and Barbara Hunt, 2475 S. Walnut.

Councilmember Boyajian stated his concern was the bill would prohibit the State Board from imposing a mandatory trip reduction measure or land use restriction, advised he felt some land use needed to be coordinated with our transportation system, and questioned what the rationale was for that, with Ms. Bello responding. Councilmember Duncan stated he was opposed because as a city Fresno was giving CARB open-ended direction to do whatever they wanted to do in developing their regulations -- which he stated was a very dangerous thing to do -- and added the appropriate time for Council to get involved and have a debate is when the draft regulations are introduced. President Castillo stated he felt the city recently going to the extreme designation was the wrong thing to do, stated delaying action shows how Council continues to perpetuate making tough decisions and stated some day the CARB will make the decisions for the city, and commended Acting President Perea for bringing the issue forth and continuing his clean-air efforts.

A motion of Acting President Perea, seconded by Councilmember Sterling, to adopt the above resolution failed, by the following tie vote:

Ayes : Perea, Sterling, Castillo  
Noes : Boyajian, Calhoun, Duncan  
Absent : Dages

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**(4:00 P.M.) SCHEDULED PUBLIC COMMENT:**

**(A-1) APPEARANCE BY RUTHIE MAE TAYLOR TO DISCUSS A CITY TREE LOCATED IN THE PARK-STRIP IN FRONT OF HER HOME AT 1404 JENSEN AVENUE**

Appearance made with Mrs. Taylor requesting the tree be removed. Assistant City Manager Souza stated staff would contact Mrs. Taylor and Councilmember Sterling added her office would follow through. Councilmember Duncan stated the horrible, costly damages caused by trees was occurring city-wide and advised the ordinance protecting trees was currently trying to be changed. There was no further discussion.

**143-147**

**4/27/04**

**(A-2) APPEARANCE BY BRADY BOWEN TO DISCUSS PRESERVATION OF THE POOL AT THE VAGABOND HOTEL LOCATED AT 1807 BROADWAY IN COUNCIL DISTRICT 3**

President Castillo stated the property in question was private property and Council did not have the ability to tell the property owner what they could and could not do, advised discussions had been occurring with the developer and Council was looking at possibly moving the pool to another acceptable location, stated there were some people who were interested in saving the pool for the skateboarders but advised funds would be needed and added it might be cheaper to build another pool somewhere else, and stated Kathy Omachi from Chinatown Revitalization would also be checking with Chinatown business owners to see if there was any interest in the pool being located there.

Brady Bowen spoke to downtown revitalization and stated although Granville Homes was taking a noble first step towards that process it was affecting what some would consider an underground culture and stated that culture had a voice and deserved to be heard, and advised those affected felt they had not had an opportunity to speak on the issue and requested Council give them that opportunity today and listen to them.

Speaking in support of saving the pool, to what the Vagabond has become, and/or to other related issues were: Dan Jacobs, 1025 Paul; Ryan Johnson, 1642 W. Terrace (**10 - 0**); Daniel Lomeli, 1311 E. Olive; Brent Orosco, 4406 E. Church; Hector Gonzalez, 225 N. College; Justin Wall, 987 E. Muncie; David Thornhill, no address provided; Joseph Lang, 203 Peseo Del Mar S.C.; Matt Smith, 1439 W. Rialto; Michael Morsicato, 1024 N. Echo; Vaser Triplett, 220 Suburban, San Luis Obispo, CA; Titus Ayers, 1341 N St. & Calaveras; Travis Blymyer, Santa Cruz, CA; Robert Martinez, 708 Wishon; Joe Pino, 1311 Fern, San Diego, CA; Josh Martin, no address provided; Theresa Sanchez, no address provided; Sean Prescho, 186 N. Broadway; Willis Randolph, no address provided; Evan Savoit, 510 Yerba Buena, Morro Bay, CA; Jeff Harris, Lead Technician, 2818 O St. #2, Sacramento, CA; Paul Fradue, 619 N. Van Ness; Michael Cantu, 2224 11<sup>th</sup> St., Reedley; Joshua Martinez, 4406 E. Church; Peter Joseph, no address provided; John Henderson, no address provided; Bradford Johnston, Modesto, CA; Jermaine (last name unintelligible), no address provided; Cliff Fisher, 2314 E. Indianapolis; and Nathaniel Malo, 6751 N. De Wolf, Clovis.

President Castillo clarified this was a scheduled appearance only and no action could be taken. Councilmember Sterling commended those in attendance for their conduct and self-control; stated her question to Mr. Brady was why the group did not come forward sooner when the issue was before Council and Council voted for Granville Homes; advised Granville had indicated it was willing to work with the group to do something with the pool and reiterated Kathy Omachi also said she was interested in bringing the pool to the Chinatown area; again clarified the Vagabond was private property and the property was now in escrow; and questioned if Mr. Bowen had spoken with Mr. Roberts of Granville Homes, with Mr. Bowen responding.

Jeff Roberts, representing Granville Homes, advised he met with skateboard representatives and received valuable input, and stated Granville offered the group the option of taking the pool and moving it at their own cost, or if they wanted a new pool somewhere else offered to assist/shepherd them through the entitlements/permit process at no charge.

Councilmember Sterling asked that Mr. Bowen and skateboard representatives meet with Mr. Roberts. Mr. Roberts noted there

was a tight timeline as Granville was ready to move on the project and start the asbestos removal next week. There was no further discussion.

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#### **ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 6:04 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

**APPROVED** on the \_\_\_\_4th\_\_\_\_ day of \_\_\_\_May\_\_\_\_, 2004.

\_\_\_\_\_/s/\_\_\_\_\_  
Brad Castillo, Council President

ATTEST:\_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk

**143-148**

**4/27/04**